

alternative embodiment, it forms a "W" shaped cross-section and in an alternative embodiment it has a cup-shaped front region and a back region having a convex upward configured body surface.

In contrast, the present claimed invention is directed to a sanitary napkin having opposed longitudinally extending side edges and a longitudinal axis and a preferential bending zone that extends obliquely to the longitudinal axis and which extends from one longitudinal side area to an opposite longitudinal side area of the sanitary napkin. It is respectfully submitted that the cited reference fails to disclose or fairly suggest a sanitary napkin having the above expedients. More particularly, in any of the embodiments in Buell, the deformation element does not extend obliquely in relation to the longitudinal axis and does extend from one longitudinal side area to an opposite longitudinal side area. The interpretation by the Patent Office of the present pending claim ignores the express claim limitations relating to the direction of the preferential bending zone and that the preferential bending zone must extend from one side of the sanitary napkin across the longitudinal centerline to the opposite side of the napkin.

The deformation element in Buell generally provides longitudinally extending preferential bending lines that form hinges to create a "W" shaped cross-section within the sanitary napkin. This is the antithesis of the present invention which provides both lateral stiffness as well as longitudinal stiffness to the napkin. That is, as explained more fully in Applicants' specification, at page 2, lines 8 to 12, the obliquely extending preferential bending zones "stiffens the napkin in the transverse direction and also in the longitudinal direction. Clearly the deformation element in Buell does not provide this feature.

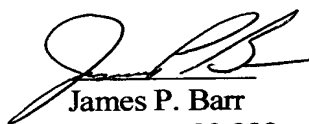
With regard to the terminology "preferential", it is respectfully submitted that the interpretation by the Patent Office is incorrect. The patent literature in absorbent product technology is replete with references to the terminology "preferential" and "preferential bending", and the clear understanding of one skilled in the art is that this terminology refers to a precise location where the bending occurs. See for example, U.S. Patent 4,589,876, at column 6, lines 43-44, wherein, "It is essential that sanitary napkin 10 preferentially bend at the line of juncture 26 and 26'." One of skill in the art would understand this to mean that the structure of the napkin is such that upon the application of a bending moment to the napkin, that the napkin will bend first at the line of juncture rather than at any other location. Application of this principle to the instant application indicates that the interpretation by the Patent Office is incorrect. Applicants' claims

napkins are provided with bending zones that extend obliquely across the longitudinal centerline, and upon the application of a bending moment to the sanitary napkin, the napkin will bend first at the bending zone rather than at any other adjacent region.

Claims 2 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Buell. Applicants respectfully traverse.

Claims 2 and 13 are directed to a sanitary napkin having a thickness not exceeding about 5 mm. It has been found that the oblique preferential bending zones, when incorporated into a thin sanitary napkin, i.e. having a thickness not exceeding 5 mm provides enhanced stability to an otherwise overly flexible napkin that is prone to twisting and bunching. As noted by the Patent Office, Buell fails to disclose or fairly suggest this expedient, and thus cannot be considered to destroy the patentability of the present pending claims.

Respectfully submitted,



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